

**TOWN OF SULLIVAN  
ZONING BOARD OF APPEALS  
JULY 14, 2022  
7:00 P.M.**

A regular meeting of the Zoning Board of Appeals of the Town of Sullivan was convened at the Town Office Building by Chairman Steve Durfee at 7:03 P.M.

Those in attendance for the meeting were: Chairman Steve Durfee, Members Terry Manning, Michael Keville, Luke Capria and Attorney for the Board John Langey.

Absent: Member Clifford Reals

Also present: Larry Ball, Building/Codes Inspector

**PUBLIC HEARING**

**7:00 P.M. – MARK FARSACI: AREA VARIANCE (1000 TUSCARORA RD., 40.20-2-6)  
PREVIOUSLY BUILT SHED TO CLOSE TO THE SIDE AND REAR  
PROPERTY LINE SETBACKS.**

Mark Farsaci appeared before the Board with his Attorney Anthony Galli to request relief for a shed previously built in 2016 that is too close to the side and rear property lines. This same request was presented to the Board in 2016 and denied. Attorney John Langey stated because of the Town Zoning Law and this request is the same exact variance request as 2016 that was denied, the Board would have to have a unanimous vote on if they want to re-hear or open the variance request again.

Chairman Durfee asked what has changed or a reason why the Zoning Board should re-hear the request again and gave the opportunity to explain.

Attorney Anthony Galli stated his client, Mr. Farsaci, mis-interpreted the Zoning Law and the first time he brought this to the Board in 2016 was a mistake due to misinterpretation. Mr. Farsaci explained that after the denied variance he read the code and interpreted no permit would be needed. This is a shed for wood storage.

Member Keville asked if it is the same structure that was originally proposed and Mr. Farsaci stated yes.

Chairman Durfee asked for a motion to re-hear the request. No one made a motion and no vote was taken. The Zoning Board will not re-open the variance request.

Mark Farsaci stated that Larry Ball had other options about the structure with alternative solutions. Attorney John Langey suggested he converse with Larry at a later time.

**STEPHEN BREAN: SEVERAL VARIANCES REQUESTED (121 WATER ST., 10.58-1-8)**

### **REQUESTING RELIEF ON MULTIPLE LOTS.**

Chairman Durfee reopened the tabled public hearing from the June 9, 2022 meeting. He stated they would start from scratch as we have a new Board member.

The applicant, Mr. Brean would like to take the one lot and subdivide it into 3 lots. In order to do this multiple variances need to pass to continue with this project. There is not enough road frontage on one lot, does not meet the setbacks on another lot and the road is not a Town Rd., it is a public road that individual homeowners own.

Attorney John Langey referenced the May 17, 2022 memo that Larry Ball outlined the different variances that are needed for all three lots. Lot # 1 a variance is needed for lot coverage as it would be 21,780 sq. ft. and the required is 40,000 sq. ft. For the same lot a rear yard setback needs 7 feet of relief from the rear property line. Lot # 2 needs a variance for 3 feet of relief from the setback requirements and a variance is needed in reference to Section 288 Town Law relating to the ability to grant building permits where there is access sufficient to handle emergency vehicles. Lot # 3 needs a variance for the Section 288 Town Law with the same limitations and conditions as Lot #2.

Attorney for the applicant asked to address the Board if appropriate time to do so. Lot #1 has already been subdivided inadvertently because the strip that you see on the map was conveyed. The tried to go the Planning Board to get it retroactively approved. The Planning Board stated had to see Zoning Board prior.

Attorney John Langey stated that the Planning Board was presented with a lot line adjustment or boundary line change to provide the ability to transfer lands we are discussing to the Tornatore property. The Planning Board felt the Zoning Board had to discuss these variances prior to them making any decisions.

Member Keville questioned if there is any documentation about building up the road, materials used for run off if it were to flood in this area and financial documentation if the proposal were denied. He also asked if there is any documentation from Emergency Services.

Larry Ball, Town codes officer explained that Lot #1 is in Business Zone which Zoning regulations state residential structures would be considered as LR-40.

Joe Piraino of 107 Water St. questioned how the road was built and never compacted.

Donna Woodard from Willow St. stated that the flooding is already bad in the area and raised concerns about that.

Attorney Langey discussed the Madison County referral regarding 100 year flood zone and that any development in the flood zone would be required to conform to the Town's floodplain regulations.

Stephen Brean discussed with the Board the elevation studies he did have completed by surveyor Jeff Moore.

Rick Paone discussed the character change to the neighborhood that would occur if proposal were approved.

Chairman Durfee stated the concern regarding the three variances being on one application, if the Board said no to one, is it no for all of them. Attorney John Langey discussed and explained the procedure. The Board indicated that Lot #1 needs the most improvements and questioned if Lot # 1 is in a business zone then they would have to go in front of the Planning Board. The Board stated that granting or denying the variances would be separate for each and if they were granted further documentation would be needed.

Stephen Bread discussed some of the other subdivisions approved by the Town in the area. Larry Ball discussed the subdivisions that were approved were in the Business zone and this went through the Planning Board. Stephen Bread stated that Lot # 1 is already separated from the other two lots.

Motion was made by Member Keville, seconded by Member Manning and unanimously passed by the Board to close the public hearing at 7:49 PM.

### **NEW BUSINESS**

There was no new business.

### **OLD BUSINESS**

#### **STEPHEN BREAN: SEVERAL VARIANCES REQUESTED (121 WATER ST., 10.58-1-8) REQUESTING RELIEF ON MULTIPLE LOTS.**

The Board declared itself lead agency and the application to be an Unlisted Action for purposes of SEQR. The Board determined it is a residential neighborhood already so there would be no undesirable change produced in the character of the neighborhood or any detriment to nearby properties. The benefit to the applicant can be achieved by a feasible alternative as a two- home project could be accomplished without area lot size variances. The requested variance is substantial as a 46% relief is significantly higher than that allowed, particularly when looking at the subdivision plan collectively. The variance would have an adverse impact on the physical and environmental conditions in the neighborhood as allowing a lot size variance within the 100 year floodplain of nearly 50% would have an adverse impact on the run-off and seasonal flooding in an area already experiencing flooding. The applicant offered no proof on this. The alleged difficulty was self-created as no changes have been made to the Zoning Law affecting the applicant's property as it relates to the proposed subdivision. The Board determined the benefit to the applicant does not outweigh the detriment to the neighborhood and therefore the variances were denied. The applicant failed to prove the right to the requested variances. Motion was made by Member Keville, seconded by Member Capria and unanimously passed by the Board to deny the requested variances.

**APPROVAL OF MINUTES**

There were no minutes to approve at this time.

**ADJOURNMENT**

A motion was duly made by Member Keville, seconded by Member Manning and unanimously passed to adjourn the meeting at 8:32 P.M.

**Respectfully Submitted**  
**Jeri Rowlingson, Secretary**